



Federal Register

**Monday,
May 16, 2005**

Part LXI

**Surface
Transportation Board**

Semiannual Regulatory Agenda

SURFACE TRANSPORTATION BOARD (STB)

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Ch. X

[STB Ex Parte No. 536 (Sub-No. 18)]

Semiannual Regulatory Agenda

AGENCY: Surface Transportation Board.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Surface Transportation Board (the Board), in accordance with the requirements of the Regulatory Flexibility Act, is publishing a semiannual agenda of: (1) current and projected rulemakings; and (2) existing regulations being reviewed to determine whether to propose modifications through rulemaking. Listed below are the regulatory actions to be developed or reviewed during the next 12 months. Following each rule identified is a brief description of the rule, including its purpose and legal basis.

FOR FURTHER INFORMATION CONTACT: A contact person is identified for each of the rules listed below.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (RFA), sets forth a number of

requirements for agency rulemaking. Among other things, the RFA requires that, semiannually, each agency shall publish in the **Federal Register** a regulatory flexibility agenda, which shall contain:

(1) A brief description of the subject area of any rule that the agency expects to propose or promulgate, which is likely to have a significant economic impact on a substantial number of small entities;

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) The name and telephone number of an agency official knowledgeable concerning the items listed in paragraph (1).

Accordingly, a list of proceedings appears below containing information about subject areas in which the Board is currently conducting rulemaking proceedings or may institute such proceedings in the near future. It also

contains information about existing regulations being reviewed to determine whether to propose modifications through rulemaking.

The agenda represents the Board's best estimate of rules that will be considered over the next 12 months. However, section 602(d) of the RFA, 5 U.S.C. 602(d), provides: "Nothing in [section 602] precludes an agency from considering or acting on any matter not included in a regulatory flexibility agenda or requires an agency to consider or act on any matter listed in such agenda."

The Board is publishing its spring 2005 regulatory flexibility agenda as part of the Unified Agenda of Federal Regulatory and Deregulatory Actions (Unified Agenda). The Unified Agenda is coordinated by the Office of Management and Budget (OMB), pursuant to Executive Order 12866. The Board is participating in the program voluntarily to assist OMB.

Decided: March 17, 2005.

By the Board, Chairman Nober, Vice Chairman Buttrey, and Commissioner Mulvey.

Vernon A. Williams,
Secretary.

Surface Transportation Board—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
4083	Small Rate Guidelines, STB Ex Parte No. 646	2140-AA70
4084	Class Exemption for Expedited Abandonment Procedure for Class II and Class III Railroads, STB Ex Parte No. 647	2140-AA71
4085	Rail Rate Challenges Under The Stand-Alone Cost Methodology, STB Ex Parte No. 657	2140-AA78

Surface Transportation Board—Completed Actions

Sequence Number	Title	Regulation Identifier Number
4086	Procedures To Expedite Resolution of Rail Rate Challenges To Be Considered Under the Stand-Alone Cost Methodology, STB Ex Parte No. 638	2140-AA76
4087	Revision of Exemption Authority Citations, STB Ex Parte No. 652	2140-AA77

Surface Transportation Board (STB)

Long-Term Actions

4083. SMALL RATE GUIDELINES, STB EX PARTE NO. 646

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 49 USC 10701(d)(3)

CFR Citation: 49 CFR 1109; 49 CFR 1114

Legal Deadline: None

Abstract: The Board is seeking comments to revise the Simplified Guidelines (Rate Guidelines-Non-Coal Proceedings, 1 STB 1004 (1996)) to provide small shippers meaningful access to regulatory relief in cases where a full stand-alone cost presentation is too costly.

Timetable:

Action	Date	FR Cite
Notice	04/07/03	68 FR 16862
Hearing	06/29/04	69 FR 15553
Hearing	07/02/04	69 FR 40470
Next Action Undetermined		

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For More Information:

stb.dot.gov

URL For Public Comments:

stb.dot.gov

Agency Contact: Joseph H. Dettmar, Deputy Director, Office of Proceedings, Surface Transportation Board, 1925 K Street NW., Washington, DC 20423-0001

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Email: dettmarij@stb.dot.gov

RIN: 2140-AA70

4084. CLASS EXEMPTION FOR EXPEDITED ABANDONMENT PROCEDURE FOR CLASS II AND CLASS III RAILROADS, STB EX PARTE NO. 647

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 49 USC 10502; 49 USC 10903

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Surface Transportation Board will consider a proposal to create a Class exemption for Class II and Class III railroads from the prior approval abandonment requirements, and any other matters interested persons may raise about the abandonment process.

Timetable:

Action	Date	FR Cite
ANPRM	08/13/03	68 FR 48332
Hearing	07/22/04	69 FR 44727
Next Action Undetermined		

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For More Information:

stb.dot.gov

URL For Public Comments:

stb.dot.gov

Agency Contact: Joseph H. Dettmar, Deputy Director, Office of Proceedings, Surface Transportation Board, 1925 K Street NW., Washington, DC 20423-0001

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RIN: 2140-AA71

4085. RAIL RATE CHALLENGES UNDER THE STAND-ALONE COST METHODOLOGY, STB EX PARTE NO. 657

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 49 USC 10701(d); 49 USC 721

CFR Citation: 49 CFR 1111

Legal Deadline: None

Abstract: The Board is soliciting comments, suggestions, and proposals from rail shippers, railroads, and other interested parties regarding modifications to how the Board considers rail rate reasonableness under the stand-alone cost methodology.

Timetable:

Action	Date	FR Cite
Public Hearing	02/23/05	70 FR 8874
Hearing Postponed	03/22/05	70 FR 14493
Next Action Undetermined		

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

URL For More Information:

stb.dot.gov

URL For Public Comments:

stb.dot.gov

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RIN: 2140-AA78

Surface Transportation Board (STB)

Completed Actions

4086. PROCEDURES TO EXPEDITE RESOLUTION OF RAIL RATE CHALLENGES TO BE CONSIDERED UNDER THE STAND-ALONE COST METHODOLOGY, STB EX PARTE NO. 638

Priority: Info./Admin./Other

Legal Authority: 49 USC 721(a)

CFR Citation: 49 CFR 1114.31(a)

Legal Deadline: None

Abstract: The Surface Transportation Board amended its regulations regarding discovery procedures to correct an inadvertent omission.

Timetable:

Action	Date	FR Cite
Final Action	09/30/04	69 FR 58366

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For More Information:

stb.dot.gov

URL For Public Comments:

stb.dot.gov

STB

Completed Actions

Agency Contact: Jamie P. Rennert,
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Related RIN: Previously reported as
2140-AA64

RIN: 2140-AA76

**4087. REVISION OF EXEMPTION
AUTHORITY CITATIONS, STB EX
PARTE NO. 652**

Priority: Info./Admin./Other

Legal Authority: 49 USC 721

CFR Citation: 49 CFR 1039.10; 49 CFR
1039.20; 49 CFR 1101.2(e)(5); 49 CFR

1105.7(e)(5)(i)(C); 49 CFR
1105.7(e)(5)(ii)(C); 49 CFR 1105.12; 49
CFR 1150.1(a); 49 CFR 1150.32(c); 49
CFR 1150.34; 49 CFR 1150.35(f); 49
CFR 1185.5(a); 49 CFR 1185.5(b)

Legal Deadline: None

Abstract: The Surface Transportation
Board amended its regulations to
change incorrect citations to its
authority to exempt rail transportation,
and to update miscellaneous references.
The Board also made changes to its
authority citations.

Timetable:

Action	Date	FR Cite
Final Action	09/30/04	69 FR 58365

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

URL For More Information:
stb.dot.gov

URL For Public Comments:
stb.dot.gov

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RIN: 2140-AA77

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